



United States Department of the Interior
NATIONAL PARK SERVICE
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IN REPLY REFER TO:
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Date: July 9, 2012
To: Brad Bortner, Chief, Division of Migratory Bird Management
From: Peter Budde, Acting Chief – Biological Resource Management Division
Subject: National Park Service—Biological Resource Management Division Comments
on FWS-R9-MB-2011-0054

Peter J. Budde

As stewards of public lands, the National Park Service protects wildlife species through a variety of internal programs, but also strives to be an active conservation partner with the U.S. Fish and Wildlife Service and other federal and non-federal agencies and organizations that act toward the conservation of species and their habitats on the larger landscape. While NPS lands currently harbor spatially important refugia that encourage resiliency, many species transit NPS lands during migration or everyday activity, and external developments and processes can thus threaten park resources within and outside of park boundaries. Wind energy developments near NPS lands or located in migratory fly-ways are of particular interest to NPS, and pursuance of rigorous science and informed planning is critical to conservation of the resources we are mandated to preserve through the Organic Act of 1916.

In regard to FWS-R9-MB-2011-0054, the NPS does not support extending the term for programmatic take permits of bald and golden eagles to 30 years as proposed.

While working with industry to minimize regulatory impacts on development and progress is paramount toward a unified effort in responsible energy development, the proposed 30 year term may exceed the species' inherent life history constraints toward compensating for potential reduction in survival across three decades. As typical of long-lived species, population growth in eagles is likely a nonlinear process where changes in survival can disproportionately influence growth as compared to changes in birth rates. For example, the high mate fidelity and relatively low fecundity of both species indicates that while take of one female might lead to absence of up to 4 eagles from the system in the year of take (the female plus a potential brood of 1-3), a potential lag in annual reproduction may persist while the perturbed adult seeks a new long-term mate. This is only one example of the fine scale processes that must be understood before creating regulations that may fail to provide adequate response time for mitigating a species decline.

The proposed rule appears to designate 30 years based on the lifecycle of industry development rather than the life history of the species under protection. It is possible that

such a long time frame could be justified by rigorous scientific review, but that is not presented in the proposed rule. FWS-R9-MB-2011-0054 also states “The proposed changes will enable the Service to incorporate judiciously-developed, adaptive conservation measures the permit holder will be required to implement in the event that take exceeds predicted levels, or if new information indicates that such measures are necessary to protect eagles, which in turn, will protect and conserve not only eagles, but multiple raptor species.” NPS supports such an adaptive management approach, but the term “exceeds” must be clearly defined in this rule in order to establish a threshold that initiates action. It is unclear if this phrase refers to an absolute number of eagles or a percentage of a population, or how such take relates to the observed trend in population growth. Such a threshold should be explicitly stated in quantitative terms and in relation to the methodology proposed for establishment of “predicted levels.” Eagle populations continue to face threats from structural and vehicular collisions, electrocution, lead-poisoning, secondary pest-control poisoning, and habitat loss and fragmentation. Wind energy developments are increasing across the United States and introduce another potential threat to eagles. NPS feels a more cautious regulatory approach is warranted while the necessary science lags behind the pace of development.

If you have any questions regarding our comments, please contact Jason Ransom (Threatened and Endangered Species Specialist) at Jason_I_Ransom@nps.gov or 970-225-3584.